

### **REMARKS**

The Office Action dated March 2, 2006, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claims 1, 7, 10, 15 and 17 have been amended and claim 19 has been added. Claim 19 is claim 15/14/3/1 rewritten in independent form and is allowable based on the allowable subject matter indicated in claim 15. No new matter is presented. Claims 1-19 are pending and respectfully submitted for consideration.

### **Entry of Response Proper**

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues requiring further search and/or consideration on the part of the Examiner as the Amendment merely clarifies the direction the projection of each ball holder extends; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to objections raised in the Final Rejection. Entry of the Amendment is thus respectfully requested.

### **Allowable Subject Matter**

The Applicants wish to thank the Examiner for indicating allowable subject matter in claims 7, 10-12, 15 and 17. Claims 7, 10, 15 and 17 have been rewritten in

independent form including all of the limitations of the base claim and intervening claims. As such, the Applicants respectfully submit that these claims should now be allowed.

**Rejection Under 35 U.S.C. § 102**

Claims 1, 2, 4/2, 5/2, 8, 9, 13, 14/2, 16, and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by Le Masson et al. (U.S. Patent Number 5,393,086, "Le Masson"). The Office Action provided a characterization of each of the rejected claims and noted various figures in the reference. The Applicants traverse the rejection and respectfully submit that claims 1, 2, 4/2, 5/2, 8, 9, 13, 14/2, 16, and 18 recite subject matter that is neither disclosed nor suggested by Le Masson.

Le Masson discloses the ski for winter sports having a base, a stiffener and a support for bindings extending over the stiffener. Multiple different embodiments are disclosed. The stiffener has front and rear ends connected to the base of the ski by flexible and/or partially rigid connection devices. There is at least one support connected to the base adapted to receive bindings in order to maintain the boot of the skier on the ski. The stiffener has a length smaller than the length of the surface of the base. The stiffener is designed as a beam having an elongated shape that is linked to the base by a connection localized at its two ends. The connection can be flexible and/or partially rigid. The support has the shape of a stirrup in the form of an inverted "U". Generally, the support comprises an upper wall extending laterally and downwardly by two sidewalls to constitute a housing having the shape of a hollow section extending longitudinally and adapted for the passage of the stiffener.

The invention recited in claim 1 is an alpine ski comprising certain specific structural elements. An elongate ski body forms a running surface. A mounting is provided for fastening a binding arranged on an upper face of the ski body and rigidly connected therewith. At least one upper cord element is attached to the ski body extending in the longitudinal direction of the ski body and receiving pressure forces. The at least one upper cord element has ends thereof supported on the ski body and is movably mounted relative to the ski body between the ends of the ski body. The at least one upper cord element is constructed such that under the impact of pressure forces the at least one upper cord element endeavors to deform elastically by flexural buckling and to carry out a deflection movement relative to the ski body. At least one support element is provided on the mounting which counteracts the deflection movement of the at least one upper cord element by exerting a counterforce. The at least one support element is spaced from the at least one upper cord element along an entire length thereof in a direction parallel to the longitudinal direction of the ski body.

In the Office Action's characterization of Le Masson, the support elements are considered to be elements 4a, 161 and 162 shown in Figures 27-30. The Applicants respectfully submit that Le Masson fails to teach or suggest at least the combination of features of at least one support element being spaced from the at least one upper cord element along an entire length thereof in a direction parallel to the longitudinal direction of the ski body, as recited in amended claim 1.

According to U.S. patent practice, a reference must teach every element of a claim in order to properly anticipate the claim under 35 U.S.C. §102. In addition, "[a] claim is anticipated only if each and every element as set forth in the claim is found,

either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “Every element of the claimed invention must be arranged as in the claim. . . . [t]he identical invention must be shown in as complete detail as is contained in the patent claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added). Consequently, amended Claim 1 cannot be anticipated by Le Masson.

Claims 2, 4, 5, 8, 9, 13, 14, 16, and 18 depend directly or indirectly from claim 1. Since amended claim 1 is clearly distinguished from the teachings of Le Masson, and is allowable, these claims are also allowable.

Claims 3, 4/3, 6/5/2, 6/5/3, and 14/3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Le Masson in view of Emig et al. (U.S. Patent Number 6,679,513, “Emig ‘513”). Claims 3, 4/3, 6/5/2, 6/5/3, and 14/3 depend from claim 1. The Office Action acknowledged that Le Masson does not disclose the upper cord element being formed from a plurality of slightly curved rods which are arranged adjacent to one another spanning the ski body. The Office Action cited Emig ‘513 for teaching of the cord element being formed from a plurality of slightly curved rods arranged adjacent to one another spanning the ski body.

Emig ‘513, however, fails to cure the above noted deficiency of Le Masson with respect to amended claim 1, as Emig ‘513 also does not disclose or suggest at least the feature of at least one support element being spaced from the at least one upper cord element along an entire length thereof in a direction parallel to the longitudinal direction of the ski body.

In view of the above, the Applicants respectfully submit that Le Masson and Emig '513 do not support a *prima facie* case of obviousness for purposes of a rejection of claims 3, 4/3, 6/5/2, 6/5/3 and 14/3 under 35 U.S.C. § 103 because a specifically claimed element is missing.

It is respectfully submitted that clear differences exist between the present invention as claimed in claims 3, 4, 6, and 14, and the prior art relied upon in the Office Action. It is further submitted that these differences are more than sufficient that the present invention as claimed would not have been obvious to a person having ordinary skill in the art at the time the invention was made.

### **Conclusion**


Claims 2-6, 8, 9, 13, 14, 16 and 18 depend from claim 1. Claims 11 and 12 depend from claim 10. The Applicants respectfully submit that each of these claims incorporate the patentable aspects thereof, and are therefore allowable for at least the same reasons as discussed above. Accordingly, the Applicants respectfully request withdrawal of the rejections, allowance of claims 1-19 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event that this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate Extension of Time. Please charge any fee

deficiency or credit any overpayment in connection with this paper to Deposit Account  
Number 01-2300 **referencing Docket No. 103196-00007.**

Respectfully submitted,



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Enclosure: Extra Claims Fee Transmittal

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